

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:  
 FILE NUMBER:

Omaha  
200490227

REGULATORY PROJECT MANAGER:

Shannon Warner

Date: 5-26-04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office ☒ (Y/N)

Date: 5-24-04

At the project site ☐ (Y/N) Date: \_\_\_\_\_

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

Montana

Garfield

107°51'30"W + 46°39'21"N (center)

29 acres - Linear

Sage Hen Creek

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	<input checked="" type="checkbox"/>								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				<input checked="" type="checkbox"/>	
Is or would be used as habitat by other migratory birds that cross state lines?				<input checked="" type="checkbox"/>	
Is or would be used as habitat for endangered species?				<input checked="" type="checkbox"/>	
Is used to irrigate crops sold in interstate commerce?				<input checked="" type="checkbox"/>	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☒

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

1. Site Conditions – The proposed project is located on Highway 200, east of Mosby, Montana. The proposed project is for replacement of five (5) partially collapsed and damaged corrugated metal pipe culverts. Four sites are located in unnamed, ephemeral drainages above the headwaters of Sage Hen Creek. The remaining site is at a wetland with no associated stream or drainage. For all four wetland sites, a total of 0.04 acres will be impacted. The total acreage of disturbance is 29 acres, which includes roughly 20 acres of vegetation and 9 acres of pavement. See attached map for locations.
2. None of the five crossings exhibit a defined stream channel or an ordinary high water mark. There is no surface water connection to jurisdictional waters of the U. S. The wetland areas are limited to the culvert inlets and/or outlets. No boating or irrigation would be possible at any location. No fisheries are present.
3. This determination was made by reviewing quad and aerial maps of the project area. Additionally, the applicant provided wetland data sheets, maps, and photos of the project area.
4. There are no jurisdictional waters on the project site. This is an approved jurisdictional determination.

Site 1b	Sta. 774+02	Wetland #1	Sec 11, T 14 N, R 30 E	107°52'51" & 46°59'36"
Site 1a	Sta. 780+62	Wetland #2	Sec 11, T 14 N, R 30 E	107°52'42" & 46°59'33"
Site 2	Sta. 871+05	Wetland #3	Sec 7, T 14 N, R 31 E	107°50'35" & 46°59'12"
Site 3	Sta. 880+66	Wetland #4	Sec 7, T 14 N, R 31 E	107°50'22" & 46°59'12"
Site 4	Sta. 890+43	No wetland	Sec 7, T 14 N, R 31 E	107°50'09" & 46°59'14"

Culvert Locations  
Hwy 200  
East of Mosby, MT  
COE # 200490227

